



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,851	12/27/1999	ALAN J. FRAZIER	16295.402	1541

7590 10/03/2003

BAKER & BOTTS LLP  
ONE SHELL PLAZA  
910 LOUISIANA  
HOUSTON, TX 770024995

EXAMINER
----------

WANG, ALBERT C

ART UNIT	PAPER NUMBER
----------	--------------

2185

DATE MAILED: 10/03/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/473,851

Applicant(s)

FRAZIER, ALAN J.

Examiner

Albert Wang

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2&3. 6) ☐ Other: .

**DETAILED ACTION**

1. Original claims 1-26 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Sartore et al., U.S. Patent No. 6,493,770 (hereinafter “Sartore”).

As per claim 9, Sartore discloses a method for communicating data between a computer and a programmable device, the programmable device including application software able to execute on the programmable device, comprising the steps of:

coupling a communications link between a USB port of the computer and a USB port of the programmable device (Fig. 2, between USB interface 66 and USB interface 76);

configuring the computer to communicate with the programmable device as a USB-compliant peripheral device (Col. 5, lines 13-17, configuration information sets are updated); and

transmitting data between the computer and the programmable device across the communications link according to the USB communications standard (Fig. 2, universal serial bus 60 is for transferring data).

As per claim 10, Sartore teaches that the configuring step comprises the steps of:

transmitting from the computer to the programmable device a query requesting that the programmable device provide USB identification data; and

receiving the USB identification data from the programmable device at the computer (Claim 13, “reading an identification code from the peripheral device”).

As per claim 11, Satore discloses the further step of initiating a USB auto-configure routine at the computer on the basis of USB identification data received from the programmable device (Col. 6, lines 3-9, “based on the identification code ... appropriate software driver is loaded into the memory of the host computer”; Fig. 2, arrow 80).

As per claim 12, Satore discloses the further step of initiating at the computer application software for configuring software resident at the programmable device (Claim 11, step B; Col. 8, lines 54-57, “electronic connection and disconnection ... may also be initiated by the host computer”).

As per claim 13, Satore discloses the further step of transmitting a communication between the computer and the programmable device to initiate at the programmable device a software application for the configuration of the programmable device (Fig. 2, arrow 78)

As per claim 15, Satore discloses that the programmable device (Fig. 2, peripheral device 54) includes,

a processing unit (CPU 72);

a memory (loadable memory 74); and

a USB coupled between the processor and the USB port of the programmable device (USB 60).

As per claim 16, Satore discloses a method for transmitting data between a network device and a computer comprising the steps of:

coupling a USB link between USB ports of the network device and the computer (Fig. 2, between peripheral device 54 and host computer 52);

receiving from the network device via the communications link USB identification information sufficient to identify the data transfer parameters of the USB device (Claim 13, "reading an identification code from the peripheral device");

configuring the data transfer parameters of the computer in response to the USB identification information received from the network device (Col. 6, lines 3-9, "based on the identification code ... appropriate software driver is loaded into the memory of the host computer"; Fig. 2, arrow 80); and

transmitting data between the network device and the computer according to the USB standard (Fig. 2, universal serial bus 60 is for transferring data).

As per claim 17, Satore discloses the step of transmitting data between the network device and the computer to control the operation of the network device (Fig. 2, arrow 78).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2185

3. Claims 14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satore as applied to claim 1 above, and further in view of Traveling Software, "LapLink Professional User's Guide", 1998 ("TS").

As per claim 14, Satore does not expressly teach the programmable device is a server computer. TS teaches coupling a USB link between a server computer and a configuration computer (Page 40, "Attach ... a LapLink USB cable to a USB port ... on each computer). At the time of the invention, it would have been obvious to apply the details of Satore's method to TS's USB link in order to easily alter USB configurations (Satore, Col. 2, lines 30-36).

As per claim 18, since Satore/TS teaches the steps of claims 9-17, the combination teaches the claimed method.

As per claim 19, TS teaches transmitting data between the network device and the computer to monitor the operation of the network device (Pages 58-59, Viewing the host).

As per claim 20, TS teaches a server computer without a local monitor or keyboard (Page 19), and therefore teaches a headless network device.

4. Claims 1, 7, 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traveling Software, "LapLink Professional User's Guide", 1998 (hereinafter "TS"), in view of Applicant's Admitted Prior Art (hereinafter "AAPA").

As per claim 1, TS teaches a method for configuring the software of a USB-compliant server computer, comprising the steps of:

coupling a communications link between the server computer and a configuration computer, the communications link coupled at a USB port of each of the server computer and the

Art Unit: 2185

configuration computer (Page 40, "Attach ... a LapLink USB cable to a USB port ... on each computer);

establishing data communication between the server computer and the configuration computer through the communication link and the USB ports of the server computer and configuration computer (Page 40, "Autoconnect ... connects the computers automatically when you start LapLink"); and

communicating data between the server computer and the configuration computer (Pages 68-89, Sharing clipboard information with remote computers).

TS as applied above does not expressly teach the server computer within a computer network. TS does teach that the server computer is running LapLink in order to use the USB link (Page 40, "both must be running LapLink"). TS further teaches a LapLink running server computer that is within a computer network (Page 19). At the time of the invention, it would have been obvious to one of ordinary skill in the art that a server computer within a computer network is capable of using a USB link.

TS does not expressly teach the application of configuring the software of the server computer. AAPA teaches such an application (Page 3, lines 13-29, using RS-232 protocol). TS teaches the means to configure the software of the server computer (Chapter 3: Using Remote Control; Chapter 4: Using File Transfer). At the time of the invention it would have been obvious to one skilled in the art to apply TS's method and means to AAPA's application. A motivation for doing would have been to take advantage of the higher transfer rates that USB has over RS-232.

As per claims 7 and 8, TS teaches the configuration computer as a portable or palmtop computer (Page 8, connecting to office computer when you're on the road).

As per claim 21, since TS/AAPA teaches the method of claim 1, the combination teaches the claimed method.

5. Claims 2-6 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over TS/AAPA as applied to claims 1 and 21 above, and further in view of Sartore et al., U.S. Patent No. 6,493,770 ("Sartore").

As per claim 2, TS/AAPA as applied to claim 1 does not expressly teach the details of bus enumeration. Sartore teaches steps of transmitting from the configuration computer to the server computer a query concerning the identity of the server computer; and receiving from the server computer data indicative of the identity of the server computer (Claim 13). At the time of the invention it would have been obvious to one of ordinary skill in the art to apply Sartore's details to TS/AAPA's method. A motivation for doing so would have been to ensure the integrity of the method.

As per claim 3, Sartore teaches determining at the configuration computer whether the server computer is a USB-compliant device (Col. 7, lines 63-66, "recognized ... as a generic device" during first enumeration process).

As per claims 4-6, Sartore teaches performing a configuration routine at the configuration computer on the basis of the identity of the server computer (Col. 6, lines 3-9, "based on the identification code ... appropriate software driver is loaded into the memory of the host computer"; Fig. 2, arrow 80).



As per claims 22-26, since TS/AAPA/Satore teaches the steps of claims 1-6, the combination teaches the claimed method.

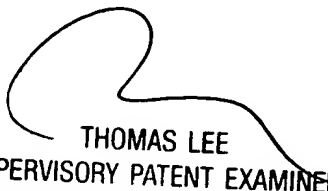
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 703-305-5385. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

aw  
September 26, 2003

  
THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100